

REMARKS

In the Final Office Action¹, the Examiner took the following actions:

- (a) rejected claims 5, 8, 9, 22, 23, and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,985,850 to Scanlan ("Scanlan") in view of U.S. Patent No. 5,247,580 to Kimura et al. ("Kimura");
- (b) rejected claims 1, 19-21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Scanlan* in view of *Kimura*, and further in view of U.S. Patent No. 6,028,514 to Lemelson et al. ("Lemelson");
- (c) rejected claims 3, 4, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Scanlan* in view of *Kimura*, and further in view of *Lemelson* and U.S. Patent No. 5,612,869 to Letzt et al. ("Letzt");
- (d) rejected claims 7 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Scanlan* in view of *Kimura*, and further in view of U.S. Patent No. 6,493,663 to Ueda ("Ueda");
- (e) rejected claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over *Scanlan* in view of *Kimura*, and further in view of U.S. Patent No. 6,602,300 to Ushioda et al. ("Ushioda");

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

(f) rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over *Scanlan* in view of *Kimura*, and further in view of U.S. Patent No. 6,151,571 to *Pertrushin* ("*Pertrushin*");

(g) rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Scanlan* in view of *Kimura*, and further in view of *Lazzari*, "The VI Framework Program in Europe: Some Thoughts about Speech Translation Research," 2002 ("*Lazzari*"); and

(h) rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Scanlan* in view of *Kimura*, and further in view of U.S. Patent No. 5,873,055 to *Okunishi* ("*Okunishi*").

Claims 1, 3-5, and 7-32 and are pending and under current examination.

I. Rejection of claims 1 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Lemelson

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claims 1 and 26. A *prima facie* case of obviousness has not been established with respect to these claims.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. M.P.E.P. § 2142, 8th Ed., Rev. 6 (September 2007). "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. "[T]he framework for

objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III). A *prima facie* case of obviousness has not been established because the rejections under 35 U.S.C. § 103(a) are not properly supported by a clear articulation of why the claimed invention would have been obvious.

Claim 1 recites a communication support apparatus comprising, for example:

a first determination unit configured to determine a level of importance of the source-language information selected from more than two levels of importance[.]

Scanlan, Kimura, and Lemelson do not teach or suggest at least this element.

The Office Action concedes that "*Scanlan* does not teach a means for judging a level of importance from input language information." (Final Office Action at page 11). The Office Action then alleges that "*Kimura* recites determining a degree-of-importance of a language input from a plurality of importance degrees." (Final Office Action at page 11). However, this allegation regarding *Kimura* does not address "a level of importance . . . selected from more than two levels of importance," (emphasis added) as recited in claim 1, because the plurality of importance degrees allegedly disclosed in *Kimura* does not necessarily constitute more than two levels of importance.

In fact, *Kimura* illustrates the implementation of the degree-of-importance determining unit in step S17 of Figure 10. (Col. 7, lines 46-48). Figure 10 shows two

possible importance determinations at step S17 - important operation or not important operation. Therefore, *Kimura* does not teach or suggest "a first determination unit configured to determine a level of importance of the source-language information selected from more than two levels of importance," as recited in claim 1.

The Office Action relies on *Lemelson* as allegedly disclosing "the concept of detecting words in a language input associated with emergency situations." (Final Office Action at page 4). Similarly to *Kimura*, *Lemelson* teaches two possible emergency determinations - an emergency or not an emergency. (Column 14, lines 41-42). Therefore, *Lemelson* fails to cure the deficiencies of *Scanlan* and *Kimura* discussed above because *Lemelson* also does not teach or suggest at least "a first determination unit configured to determine a level of importance of the source-language information selected from more than two levels of importance," as recited in claim 1.

As set forth above, *Scanlan*, *Kimura*, and *Lemelson* do not teach or suggest each and every element of claim 1. Moreover, there is no teaching in the references which would motivate one of ordinary skill to modify the disclosures to achieve the claimed combination. Thus, the Final Office Action has failed to clearly articulate a reason why the claimed invention would have been obvious to one of ordinary skill in the art and has not established a *prima facie* case of obviousness with respect to claim 1.

II. Rejection of claims 5, 8, 9, 22, 23, and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claims 5, 8, 9, 22, 23, and 27-32. A *prima facie* case of obviousness has not been established with respect to these claims.

Claim 5 recites a communication support apparatus comprising, for example:

a first determination unit configured to determine a level of importance of the source-language information selected from more than two levels of importance[.]

Scanlan and *Kimura* do not teach or suggest at least this element.

Because *Scanlan* does not teach judging varying levels of increasing importance, as conceded by the Examiner with respect to claim 1, *Scanlan* does not disclose or suggest “determin[ing] a level of importance of the source-language information selected from more than two levels of importance,” as recited in claim 5. As discussed above, *Kimura* fails to cure the deficiency of *Scanlan*.

As set forth above, the Final Office Action has not properly ascertained the differences between the prior art and Applicant's claims. Thus, the Final Office Action has not clearly articulated a reason why the claimed invention would have been obvious to one of ordinary skill in the art and has not established a *prima facie* case of obviousness with respect to claim 5.

Independent claims 27 and 30, while of different scope, recite elements similar to those of claim 5 and are thus allowable over *Scanlan* and *Kimura* for at least the same reasons discussed above with respect to claim 5. Claims 8, 9, 22, and 23 depend from claim 5, claims 28 and 29 depend from claim 27, and claims 31 and 32 depend from claim 30. These dependent claims therefore include all of the elements recited in their respective parent claims. Accordingly, claims 8, 9, 22, 23, 28, 29, 31, and 32 are allowable over *Scanlan* and *Kimura* at least due to their dependence from claims 5, 27, and 30.

III. Rejection of Claims 19-21 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Lemelson

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claims 19-21 and 26. A *prima facie* case of obviousness has not been established with respect to these claims.

Claims 19-21 and 26 depend from claim 5. Therefore, claims 19-21 and 26 include all of the elements recited in claim 5. As discussed above, *Scanlan* and *Kimura* fail to teach or suggest each and every element recited by claim 5.

The Examiner relies on *Lemelson* for allegedly teaching several elements recited in claims 19-21 and 26. (Final Office Action at pp. 15-16). Even assuming these allegations are correct, which Applicant does not concede, *Lemelson* fails to cure the deficiencies of *Scanlan* and *Kimura* discussed above. Because neither *Scanlan*, *Kimura*, nor *Lemelson*, taken alone or in combination, teach or suggest each and every element recited by dependent claims 19-21 and 26, no *prima facie* case of obviousness has been established. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 19-21 and 26 under 35 U.S.C. § 103(a).

V. Rejection of claims 3, 4, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Lemelson and Letzt

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claims 3, 4, 14, and 15. A *prima facie* case of obviousness has not been established with respect to these claims.

Claims 3 and 4 depend from claim 1, and claims 14 and 15 depend from claim 5. *Scanlan*, *Kimura*, and *Lemelson* fail to teach or suggest each and every element recited

by claims 3, 4, 14, and 15 for at least the same reasons discussed above with respect to claims 1 and 5.

The Examiner relies on *Letzt* for allegedly teaching “increasing an alarm if the user fails to respond” and providing, as stimulation, “at least one of light stimulation, sound stimulation, physical stimulation caused by a physical movement, and electrical stimulation.” (Final Office Action at pp. 16-17). Even assuming this is correct, which Applicant does not concede, *Letzt* fails to cure the deficiencies of *Scanlan*, *Kimura*, and *Lemelson* discussed above. Because neither *Scanlan*, *Kimura*, *Lemelson*, nor *Letzt*, taken alone or in combination, teach or suggest each and every element recited by claims 3, 4, 14, and 15, no *prima facie* case of obviousness has been established. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 3, 4, 14, and 15 under 35 U.S.C. § 103(a).

VI. Rejection of claims 7 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Ueda

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claims 7 and 10. A *prima facie* case of obviousness has not been established with respect to these claims.

Claims 7 and 10 depend from claim 5. Therefore, claims 7 and 10 include all of the elements recited in claim 5. As discussed above, *Scanlan* and *Kimura* fail to teach or suggest each and every element recited by claim 5.

The Examiner concedes that “*Scanlan* in view of *Kimura* does not explicitly teach storing word importance scores.” The Examiner then relies on *Ueda* for allegedly teaching “a language processing technique that stores word importance scores.” (Final Office Action at p. 17). Firstly, *Ueda* fails to cure the deficiencies of *Scanlan* and

Kimura discussed above with respect to claim 5. Second, *Ueda* discloses storing only word importance scores of words used in the documents under analysis, not "score[s] corresponding to each important keyword of the first language" as recited in claim 7. (Column 11, lines 61-64). Therefore, *Ueda* does not cure any of the deficiencies of *Scanlan* and *Kimura* with respect to claim 7.

As set forth above, the Final Office Action has not properly ascertained the differences between the prior art and Applicant's claims. Thus, the Final Office Action has not clearly articulated a reason why the claimed invention would have been obvious to one of ordinary skill in the art and has not established a *prima facie* case of obviousness with respect to claim 7. Claim 10, by virtue of being dependent from claim 7, includes all the elements recited in claim 7 and is therefore also allowable over *Scanlan*, *Kimura*, and *Ueda*.

VII. Rejection of claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Ushioda

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claims 11-13. A *prima facie* case of obviousness has not been established with respect to these claims.

Claims 11-13 depend from claim 5. *Scanlan* and *Kimura* fail to teach or suggest each and every element recited by claims 11-13 for at least the same reasons discussed above with respect to claim 5.

The Examiner relies on *Ushioda* for allegedly teaching "associating a possible input keyword with multiple synonyms, each having a weighting score." (Final Office Action at p. 18). Even assuming this allegation is correct, which Applicant does not concede, *Ushioda* fails to cure the deficiencies of *Scanlan* and *Kimura* discussed above.

Because neither *Scanlan*, *Kimura*, nor *Ushioda*, taken alone or in combination, teach or suggest each and every element recited by claims 11-13, no *prima facie* case of obviousness has been established. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 11-13 under 35 U.S.C. § 103(a).

VIII. Rejection of claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Pertrushin

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claims 16-18. A *prima facie* case of obviousness has not been established with respect to these claims.

Claims 16-18 depend from claim 5. Therefore, claims 16-18 include all of the elements recited in claim 5. As discussed above, *Scanlan* and *Kimura* fail to teach or suggest each and every element recited by claim 5.

The Examiner relies on *Pertrushin* for allegedly teaching several elements recited in claims 16-18. (Final Office Action at pp. 19-20). Even assuming these allegations are correct, which Applicant does not concede, *Pertrushin* fails to cure the deficiencies of *Scanlan* and *Kimura* discussed above. Because neither *Scanlan*, *Kimura*, nor *Pertrushin*, taken alone or in combination, teach or suggest each and every element recited by dependent claims 16-18, no *prima facie* case of obviousness has been established. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 16-18 under 35 U.S.C. § 103(a).

IX. Rejection of claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Lazzari

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claim 24. A *prima facie* case of obviousness has not been established with respect to the claim.

Claim 24 depends from claim 5. *Scanlan* and *Kimura* fail to teach or suggest each and every element recited by claim 24 for at least the same reasons discussed above with respect to claim 5.

The Examiner relies on *Lazzari* for allegedly illustrating that "the use of speech synthesis processing is well known in translation systems." (Final Office Action at p. 20). Even assuming this allegation is correct, which Applicant does not concede, *Lazzari* fails to cure the deficiencies of *Scanlan* and *Kimura* discussed above. Because neither *Scanlan*, *Kimura*, nor *Lazzari*, taken alone or in combination, teach or suggest each and every element recited by claim 24, no *prima facie* case of obviousness has been established. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claim 24 under 35 U.S.C. § 103(a).

X. Rejection of claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Scanlan in view of Kimura, and further in view of Okunishi

Applicant respectfully traverses the rejection and requests that the Examiner reconsider and withdraw the rejection of claim 25. A *prima facie* case of obviousness has not been established with respect to the claim.

Claim 25 depends from claim 5. Therefore, claim 25 includes all of the elements recited in claim 5. As discussed above, *Scanlan* and *Kimura* fail to teach or suggest each and every element recited by claim 5.

The Examiner relies on *Okunishi* for allegedly teaching "a method for determining if a translation is provided or performed based on particular levels of word importance." (Final Office Action at p. 21). Even assuming this allegation is correct, which Applicant does not concede, *Okunishi* fails to cure the deficiencies of *Scanlan* and *Kimura* discussed above. Because neither *Scanlan*, *Kimura*, nor *Okunishi*, taken alone or in combination, teach or suggest each and every element recited by dependent claim 25, no *prima facie* case of obviousness has been established. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claim 25 under 35 U.S.C. § 103(a).

XI. Improper finality of Final Office Action

Applicant submits that the finality of the Final Office Action is improper and should be revoked. A first action after the filing of a Request for Continued Examination (RCE) may only be made final if all claims are drawn to the same invention claimed in the application prior to the filing of the RCE and could have been finally rejected on the grounds and art of record in the next Office Action if they had been entered in the application prior to the filing of the RCE. See MPEP § 706.07(b). The finality of the Final Office Action is improper because Applicant's amendment and RCE filed on June 26, 2008, altered the claims such that the claims are no longer drawn to the same invention claimed in the application prior to the filing of the RCE. Therefore, Applicant requests, in the event the claims are not allowed, the issuance of a new non-final Office Action.

XII. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

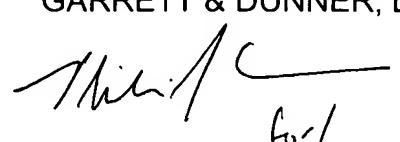
Respectfully submitted,

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